
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

OZWALD BALFOUR,

Petitioner,

v.

A. SHANE NELSON,,

Respondent.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:19CV640DAK

Judge Dale A. Kimball

This matter is before the court on Petitioner Oswald Balfour's Motion for Clarification of Court Docket [ECF No. 10]. Petitioner seeks clarification as to whether the court has combined Petitioner's two petitions that he submitted on September 9, 2019, and November 18, 2019. The court docketed the second petition as an Amended Petition. Petitioner, however, states that he alleges separate claims in each of the petitions.

To the extent that Petitioner's request could be construed to be asking that the court open a separate action for each petition, the court will not do so. Petitioner brings his petitions against the same Respondent and the claims appear to relate to the same underlying state court case. Thus all of Petitioner's claims should be in one action.

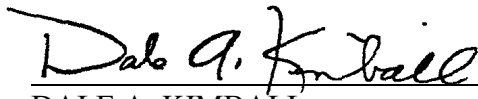
To the extent that Petitioner merely wants the court to clarify that it will consider the claims in each petition, the court will do so. However, the court has not and cannot merge the two petitions which are docketed as two separate docket entries. The best way to ensure that all the claims in both the petitions are considered is for Petitioner to file an actual Amended Petition

that includes all of his claims in one document. The court requires Petitioner to file an actual Amended Petition that includes all of his claims within thirty (30) days of the date of his receipt of this Order.

Accordingly, Petitioner's motion for clarification [ECF No. 10] is GRANTED IN PART AND DENIED IN PART.

DATED this 29th day of September, 2020.

BY THE COURT:



DALE A. KIMBALL
United States District Judge